

REMARKS

The present invention is a client-server system, a gaming device including games content, a server, a computer program product loadable on a terminal, a computer program product loadable on a server, and a method for downloading games content from a server to a client terminal and uploading a game play result from the client to the server.

An embodiment of the invention provides a client terminal, a gaming device, and a terminal with the ability to receive games data from a server via transmission through a communication link, which link may use encrypting of data during an on-line connected mode session, and thereafter a client terminal, a gaming device or a terminal has the ability to play the electronic game to control the outcome of the game during an offline disconnected mode session. The outcome of the game play offline is transmitted to the server during an on-line connected mode session. See paragraphs [0017], [0028] and [0035] of the Substitute Specification. Off-line play by the client terminal, gaming device, and terminal using the downloaded game content from the server can be done at any time and avoids communication charges which would occur with an on-line mode of play.

Claims 18-21 and 25-30, 32-34 and 37 stand rejected under 35 U.S.C. §102 as being clearly anticipated by United States Patent 5,871,398 (Schneier et al). The Examiner reasons as follows:

Schneier discloses a client server system, comprising a client terminal and a server (Figure 1), wherein the client terminal and the server are remote from one another, the client terminal and server

being operable in and switchable between an on-line connected mode and an off-line disconnected mode (abstract), wherein in the connected mode the client terminal and server are connected to another through a communication link such that data is exchangeable therebetween (Figure 1, items 26 and 92) and in the off-line disconnected mode the client terminal and server are disconnected from one another (Figure 1), and wherein the server comprises memory for storing game data that defines an electronic game and encrypts the game data in accordance with one or more predetermined operational parameters (Figure 3), and the communication link transmits the encrypted game data to the client terminal during an on-line connected mode session, and wherein the client terminal comprises a memory for storing received encrypted game data (Figure 6), a processor for executing the encrypted game data so as to provide for playing of the electronic game during an off-line disconnected mode session and to provide an outcome of the gameplay, and the communication link transmits the outcome to the server during an on-line connected mode session (4:47-5:23).

The Response to Arguments reasons as follows:

Applicant argues that Schneier is limited since the CMC determines the results of plays in the game of skill and that the processor within Schneier fails to process the results of the user actuated game play. However, Schneier discloses an embodiment having an off-line arrangement since there is no need to have an on-line connection between the HTV and the CMC while the games are being played (22:54-60). The Applicant must consider how a user can play an off-line game at Schneier's client terminal without having the client terminal processing the results of the user-actuated game. Therefore, the claimed invention fails to preclude the Schneier's invention.

These grounds of rejection are traversed for the following reasons.

The Examiner's Response to Arguments fails to consider the substantive limitations recited in each of the independent claims that game data is transmitted from a server to a client terminal with a user of the client terminal controlling the client terminal to determine the outcome of game play with the result of the game play being transmitted to the server. In this regard, claim 18 recites in part "[a] client-server system, comprising:...the communication link is utilized to transmit the encrypted game data to the client terminal during an on-line

connected mode session...in a manner whereby the user actuates the controller to control the outcome of the game and wherein the processor in response to the game play by the user processes the outcome and utilizes the communication link to transmit a result of the game play to the server during an on-line connected mode session"; claim 28 recites in part "[a] gaming device including games content comprising...the device receiving encrypted game parameters from the server in an on-line connected mode session...in a manner whereby the user actuates the controller to control the outcome of the game, and wherein the processor in response to the game play by the user processes the outcome and utilizes the communication link to transmit a result of the game play to the server"; claim 30 recites in part "[a] server comprising: ...and associated communication link for transmitting the encrypted games data to the client terminal...the client terminal being adapted to allow a user to control and determine the outcome of game play of a downloaded game in an off-line disconnected mode session and in response to said game play, uploading an outcome of a game play to a server in an on-line connected mode session, whereby the server receives said outcome of the game play and modifies one or more databases stored at, or in relation to, the server"; claim 33 recites in part, "[a] computer program loadable on a terminal comprising: ...the product enabling downloading encrypted gaming parameters of the game from a server, executing the game whereby execution of the game allows a user to control the game play and its outcome and sending in response to the execution of a game, the outcome to said server..."; claim 34 recites in part, "[a] computer program product loadable on the server wherein: ...one of said operational conditions instructs a terminal that executes the game to return an

outcome of the game play to the server...wherein the product enabling downloading encrypted gaming parameters of a game from a server to the client occurs during an on-line connected mode session, executing the game occurs during an off-line disconnected mode session and returning an outcome of game play to the server in an on-line connected mode session"; and claim 37 recites in part, "[a] method for downloading game content from a server to a client terminal and uploading a game play result from a client to the server, the method comprising: ...transmitting the gaming data to the client terminal while the server and client terminal are connected to one another via a communication link, the client terminal executing the gaming data while the client terminal is disconnected from the server in allowing a user to control game play in accordance with the gaming data so as to generate an outcome of the game play; and transmitting a result indicating the outcome of the game play from the client terminal to the server while the server and the client terminal are connected to one another via the communication link." The Examiner's Response to Arguments emphasizes that "[t]he Applicant must consider how a user can play an off-line game at Schneier's client terminal without having the client terminal processing the results of the user-actuated game." In fact, Schneier, while permitting a user to participate in game playing at the terminal, does not permit the user at the terminal to control the outcome of the game. While the Examiner may be suggesting there is disclosure in Schneier to this effect, it is submitted that there is no such disclosure.

Schneier et al, while providing off-line remote play, relies upon the central management computer CMC 12 to determine the outcome of the game. Schneier

et al describe with respect to games of skill, such as on-line golf, data is communicated to the CMC 12 from the terminal which then runs to the program that computes the result of the game based upon the data from the terminal which is then transmitted back to the player. See column 21, lines 28 *et seq.* With games of chance, there is no interaction of the player in determining the outcome of the game since the results are "predeteremined" at the CMC prior to play. See column 15, lines 15-58 through column 16, lines 1-4. In this regard, Schneier states "where the outcome appears random to the player, but is known to the CMC 12 prior to or becomes known to the CMC 12 at the time of game purchase; a sweepstakes or bingo; or pseudo-choice games with a predetermined outcome, such as video poker." It is therefore seen that player participation using a terminal with games of skill is permitted but the outcome is not determined at the terminal and with games of chance, the outcome is predetermined by the CMC 12. Therefore, the aforementioned claim limitations are not anticipated by Schneier et al.

If the Examiner persists in the stated grounds of rejection, it is requested that he clarify what his intended meaning was with respect to the Response to Arguments pertain to "how a user can play an off-line game at Schneier's client terminal" since Applicants submit that such play does not permit the outcome to be determined by the client terminal which excludes the claims being anticipated.

Claims 22-24 stand rejected under 35 U.S.C. §103 as being unpatentable over Schneier in view of United States Patent 6,029,046 (Khan et al). Khan et al have been cited by the Examiner in view of the Examiner's finding that Schneier does not disclose a time limit for completing a game. However, Kahn et al do not

cure the deficiencies noted above with respect to Schneier et al. Accordingly, the rejection of claims 22-24 is incorrect.

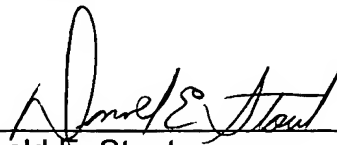
It is requested that the Examiner make of record the July 19, 2004 Information Disclosure Statement which was submitted after the first Office Action of July 5, 2004.

In view of the foregoing amendments and remarks, it is submitted that each of the claims in the application is in condition for allowance. Accordingly, early allowance thereof is respectfully requested.

To the extent necessary, Applicants petition for an extension of time under 37 C.F.R. §1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 01-2135 (367.40990X00) and please credit any excess fees to such Deposit Account.

Respectfully submitted,

ANTONELLI, TERRY, STOUT & KRAUS, LLP

A handwritten signature in black ink, appearing to read "Donald E. Stout", is written over a horizontal line.

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Attachments

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